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September 19, 2019

Re: *UMB Bank, N.A., as Trustee, v. Sanofi*, Case No. 15 Civ. 08725-GBD-RWL

Dear Judge Lehrburger:

We represent Plaintiff UMB Bank, N.A., as Trustee. On September 13, 2019, Defendant Sanofi filed a motion to seal certain materials in its motion for summary judgment (ECF 253) and, pursuant to Local Rule 6.1(b), the Trustee's opposition is due September 27, 2019. We understand that motion, as well as the parties' summary judgment motions (ECF 245-47, 256; 248, 250-52), have since been referred to your Honor (ECF 258). We are reviewing Sanofi's sealing motion and, consistent with your Honor's Individual Rules and Practices, will raise any disagreements with Sanofi's counsel.¹ To the extent any issues remain unresolved, we expect to file an opposition to Sanofi's sealing motion on or before September 27, 2019.

Respectfully submitted,



Charles A. Gilman

¹ Sanofi designated a great deal of information produced by it in this action as confidential under the protective order (ECF No. 38). Therefore, the Trustee's filings in support of its motion for summary judgment contain quite a few redactions. We are cognizant of the instructions of the Court of Appeals, *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 121, 126 (2d Cir. 2006) (The First Amendment and the common law impose "a strong presumption of access" that can be met "only by specific, on-the-record findings that higher values necessitate a narrowly tailored sealing."); *Brown v. Maxwell*, 929 F.3d 41, 47 (2d Cir. 2019) ("[I]t is well-settled that documents submitted to a court for its consideration in a summary judgment motion are—as a matter of law—judicial documents to which a strong presumption of access attaches, under both the common law and the First Amendment."), and, in our view, none of the redacted information, even comes close to overcoming the heavy presumption of public access to judicial documents. Pursuant to Sanofi's obligations under the protective order (ECF No. 38, at ¶ 5.2), we have requested that they review the Trustee's summary judgment materials and notify us within five business days of the information that Sanofi continues to insist be redacted from the filed document. We will raise any disagreement with your Honor.

CAHILL GORDON & REINDEL LLP

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Hon. Robert W. Lehrburger
United States Magistrate Judge
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

BY ECF

cc: Counsel of Record